

## TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

|  |                             |                 |                 |
|--|-----------------------------|-----------------|-----------------|
| SUBMISSION TYPE:   | NEW ASSIGNMENT              |                 |                 |
| NATURE OF CONVEYANCE:  | NUNC PRO TUNC ASSIGNMENT    |                 |                 |
| EFFECTIVE DATE:  | 06/03/2005                  |                 |                 |
| CONVEYING PARTY DATA   |                             |                 |                 |
| Name   | Formerly                    | Execution Date  | Entity Type     |
| Kerr Group, Inc.   |                             | 10/06/2008      | TRUST: DELAWARE |
| RECEIVING PARTY DATA   |                             |                 |                 |
| Name:  | Berry Plastics Corporation  |                 |                 |
| Street Address:  | 101 Oakley Street           |                 |                 |
| City:  | Evansville                  |                 |                 |
| State/Country:   | INDIANA                     |                 |                 |
| Postal Code:   | 47706                       |                 |                 |
| Entity Type:   | CORPORATION: DELAWARE       |                 |                 |
| PROPERTY NUMBERS Total: 1  |                             |                 |                 |
| Property Type  | Number                      | Word Mark       |                 |
| Registration Number:   | 2201996                     | FRIENDLY & SAFE |                 |
| CORRESPONDENCE DATA  |                             |                 |                 |
| Fax Number:  | (317)231-7433               |                 |                 |
| <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> |                             |                 |                 |
| Phone:   | 3172311313                  |                 |                 |
| Email:   | jgard@btlaw.com             |                 |                 |
| Correspondent Name:  | Julia Spoor Gard            |                 |                 |
| Address Line 1:  | 11 South Meridian Street    |                 |                 |
| Address Line 2:  | Barnes & Thornburg LLP      |                 |                 |
| Address Line 4:  | Indianapolis, INDIANA 46204 |                 |                 |
| ATTORNEY DOCKET NUMBER:  | 5723-200096                 |                 |                 |
| NAME OF SUBMITTER:   | Julia Spoor Gard            |                 |                 |
| Signature:   | /jsg/                       |                 |                 |

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TRADEMARK  
REEL: 003881 FRAME: 0691

Date:

11/03/2008

Total Attachments: 2

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**NUNC PRO TUNC TRADEMARK ASSIGNMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **Kerr Group, Inc.**, a Delaware Corporation, 500 New Holland Avenue, Lancaster, PA 17602, ("Assignor") assigns *nunc pro tunc*, as of June 3, 2005 to **Berry Plastics Corporation**, a Delaware corporation, 101 Oakley Street, Evansville, IN 47706 ("Assignee"), all rights, title and interests in and to the trademarks attached hereto as Schedule A (the "Marks"), including the registration thereof, all common law rights to the Marks, the goodwill of the on-going business with which the Marks are used, all claims for damages and profits by reason of infringement, and the right to sue for and collect the same for its own use and for the use of its successors and assigns.

Assignor agrees to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all Assignor's rights, title, and interest in and to the Marks in the Assignee and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by the Assignee, to the extent such evidence is in the possession or control of Assignor.

Kerr Group, Inc.

By: \_\_\_\_\_

Name: Jeffrey D. Thompson

Title: Vice President

Date: 10-6-08

STATE OF Indiana )

COUNTY OF Vanderburgh ) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 6th day of October, 2008.

Witness my hand and Notarial Seal this 6th day of October, 2008.

Notary Public

Printed

**KARA HELFERT**  
Notary Public, State of Indiana  
County of Vanderburgh  
My Commission Expires Jun. 1, 2012

County of Residence: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

SCHEDULE A

UNITED STATES TRADEMARKS

| <u>Trademark</u> | <u>Registration No.</u> | <u>Registration Date</u> |
|------------------|-------------------------|--------------------------|
| FRIENDLY & SAFE  | 2201996                 | November 3, 1998         |